

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

VOTER REFERENCE FOUNDATION,
LLC,

MAR 24 2023

Plaintiff,

MITCHELL R. ELFERS
CLERK

v.

Case No: 1:22-cv-00222-JB-KK

RAÚL TORREZ, in his official capacity as
New Mexico Attorney General, and
MAGGIE TOULOUSE OLIVER, in her
official capacity as
New Mexico Secretary of State,

Defendants.

**AMENDMENT TO AGREED PROTECTIVE ORDER FOR CONFIDENTIAL AND
PROPRIETARY INFORMATION [Dkt. 94]**

THIS MATTER came before the Court on the parties' Agreed Motion to Amend the Agreed Protective Order for Confidential and Proprietary Information [Dkt. 94] entered by the Court on February 14, 2023. After consideration, the Court hereby ORDERS as follows:

1. "Confidential Information" Definition Amended.

The term "Confidential Information" as defined in Dkt 94 is amended to include information designated as "Protected Information" or "For Counsel Only" in accordance with this Order. The "Protected Information" and "For Counsel Only" designations may be applied by any of the supplying or receiving persons for information revealed during a deposition, information revealed in an interrogatory answer, or otherwise.

2. Designation Criteria & Use of Designated Materials.

a. For Counsel Only. The designation “For Counsel Only” shall be reserved for information that has been claimed as privileged under the attorney-client and investigative privileges and as attorney work-product and that relates to the reason any investigation by the New Mexico Attorney General’s Office caused any criminal investigation of Voter Reference Foundation or anyone associated with Voter Reference Foundation to change to an inactive status (identified as “Topic 1” in the Notice of Deposition, Exhibit A). Disclosing this information shall not waive any applicable privilege through these limited disclosures and any such disclosures under this designation shall not be used as the basis to argue for the disclosure of additional privileged information. Any information with such designation shall be restricted as Counsel or Attorney Only Information and may only be shared with or disseminated to (1) retained counsel for parties in this litigation and their respective staff and (2) this Court and its staff and any other tribunal or dispute resolution officer duly appointed or assigned in connection with this litigation. Counsel or Attorney Only Information may be shared with or disseminated to such other persons as this Court may designate after notice and a reasonable opportunity to be heard.

b. Protected Information: The designation “Protected Information” shall be reserved for information that has been claimed as privileged under the attorney-client and investigative privileges and as attorney work-product and that relates to the following:

1. The last date of external contact with any outside agency in furtherance of a criminal investigation and the identity of that agency (identified as “Topic 2” in the Notice of Deposition, Exhibit A);

2. Whether the Office of the Attorney General provided legal advice to the Secretary

of State on each specific request Voter Reference Foundation made to the Secretary of State for voter data (identified as Topic 3 in the Notice of Deposition, Exhibit A). ~~This~~ shall not extend to what any such advice was or any discussion beyond whether such advice was given.

Disclosing this information shall not waive any applicable privilege through these limited disclosures and that any such disclosures under this designation shall not be used as the basis to argue for the disclosure of additional privileged information. Any information with such designation shall be restricted as Protected Information.

Information designated as "Protected Information" may only be shared with or disseminated to: (1) retained counsel for parties in this litigation and their respective staff and (2) this Court and its staff and any other tribunal or dispute resolution officer duly appointed or assigned in connection with this litigation, (3) the party, if a natural person; (3) if the party is an entity, such officers or employees of the party who are actively involved in the litigation of this matter, who, prior to any disclosure of such Confidential Information, agree to be bound by the terms of this Order;

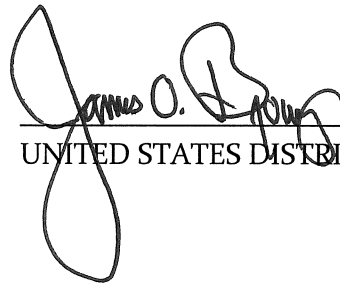
(4) litigation vendors, court reporters, and other litigation support personnel.

"Protected Information" may be shared with or disseminated to such other persons as this Court may designate after notice and a reasonable opportunity to be heard.

3. Prior Protective Order in Full Force and Effect.

Other than as specifically addressed in this Order, the Court's previously entered protective order (Dkt. 94, entered 2-14-23) shall remain in full force and effect.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Counsel:

Carter B. Harrison IV
Harrison, Hart & Davis LLC
Albuquerque, New Mexico

-- and --

Edward Dean Greim
Matthew Richard Mueller
Jackson Tyler
Graves Garrett LLC
Kansas City, Missouri

Attorneys for the Plaintiff

Raúl Torrez
New Mexico Attorney General

Erin Elizabeth Lecocq
Jeff Dan Herrera
Kelsey Nicole Frobisher Schremmer
Assistant Attorneys General
New Mexico Office of the Attorney General
Santa Fe, New Mexico

Attorneys for the Defendants